

Eastern Caribbean Supreme Court



Report

2000-2003

*Anguilla, Antigua and Barbuda, The British Virgin Islands,
The Commonwealth of Dominica, Grenada, Montserrat, Saint Kitts and Nevis,
Saint Lucia, Saint Vincent and the Grenadines*

Mission Statement

"Delivery of justice
independently
by competent officers
in a prompt,
fair,
efficient
and effective
manner".

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Introduction



*The Honourable Sir Dennis Byron
Chief Justice*

This is the second Report of the Eastern Caribbean Supreme Court. The first was published for the period 1st August 1999 to 31st July 2000. As part of ensuring that the Court provides an account for the work, which it performs, a report will be published annually in time for the opening of the new law year.

The Years 2000-2003 saw several significant developments in the Court as we continued with our reforms. In addition to the several administrative and procedural reforms taking place, the Court introduced a very successful pilot project in Court Connected Mediation. Mediation is fully in place in the member state of Saint Lucia and plans are in progress to replicate the activity in the other member states of the Court.

The persons entrusted to manage the Court system take this job very seriously and we are determined to see the reforms bring about the desired results of dealing with cases in a just and timely manner. As part of this, work has started to introduce performance standards at the trial and appellate courts. This includes a major component for the public to be made aware of the work of the court and the mechanisms, which have been put in place to improve their access to justice.

During the past year, work has also started on making improvements to the Court Structures to include various divisions of the High Court such as Commercial,

Criminal, Civil, and Family Divisions. The Judicial Education Institute also conducted several important programmes as the court continues with the development of the judiciary and the support staff in the court offices.

The introduction of technology plays a significant part of the reform and every effort is made to ensure that the Court embraces the latest technology, which can be accessed with available funding. The United States Agency for International Development has been a significant supporter of the introduction of technology and over the reporting period their contributions have been made by way of equipment and technical support. For this the court is very grateful as without this support some of the strides, which were made, would have been more difficult.

The court has recognized the need to provide excellent service to litigants and practitioners as part of improving access to justice and several administrative supports have been implemented to achieve this, particularly with the strengthening of the Court Administration Department at the Supreme Court Headquarters.

This report is divided into several major sections, which will provide detailed information on the court, court operations, and activities, which have taken place during the review period.

Eastern Caribbean Judicial System



COMPOSITION

The Eastern Caribbean Supreme Court is composed of the Chief Justice, who is the Head of the Judiciary, three (3) Justices of Appeal, fifteen (15) High Court Judges and two (2) Masters.

COURT SITTINGS

The Court sits in two divisions: the Court of Appeal and the High Court of Justice. The four-member Court of Appeal is itinerant and sits in each Member State to hear appeals. There are fifteen (15) High Court Judges who are assigned as resident Judges in the various Member States. The Trial Courts sit throughout the year. Criminal Assizes convene in each jurisdiction on dates specified by statute.

Court of Appeal

The Court of Appeal hears appeals from the decisions of the High Court and Magistrates Courts in Member States in both the Civil and the Criminal matters. The Court of Appeal also hears appeals from the Industrial Court in Antigua and Barbuda and Barbuda and the Administrative Tribunals in the British Virgin Islands and Montserrat. Appeals are heard by a full Court comprising three Justices of Appeal or by a single Justice of Appeal in Chambers.

High Court

Each Member Territory has its own High Court, which in addition to the High Court Registry houses the Office of the local High Court Judge. The High Court Registry is headed by a legally trained Registrar who provides the necessary administrative and legal support for the functioning of the High Court. Filing in the Registries commences the proceedings in matters before the High Court in each of the nine territories.

Other Courts

There are summary courts located in the Member States and in some these include the **Magistrates Court**, the **Family Court**, the **Traffic Court** and the **Coroners Court**.

The Magistrates Court falls under the National Government, and in those Member States where there is more than one Magistrate, it is headed by a Chief/Senior Magistrate, who is responsible for the administrative aspects.

There is an Industrial Court in Antigua and Barbuda & Barbuda, established under the Industrial Court Act (1976). This is a Superior Court of record, and has jurisdiction to hear and determine trade disputes or other complaints referred to it in accordance with the Act; and to enjoin a trade union or other organization, employee or employer from taking or continuing an industrial action. The Court determines its own procedure and its decisions may be appealed on limited grounds – namely that the Industrial Court had no jurisdiction or that it exceeded its jurisdiction; that an award or order was obtained fraudulently; that the finding or decision was erroneous in point of law; or that some other specific illegality was committed. The Court's decision is binding on all parties.

Members of the Judiciary

Court of Appeal



Chief Justice Sir Dennis Byron



Justice Albert Redhead



Justice Adrian Saunders

**High Court
Judges**



Justice Suzie d'Auvergne



Justice Kenneth Benjamin



Justice Brian Alleyne



Justice Don Mitchell



Justice Indra Hariprashad-Charles



Justice Frederick Bruce-Lyle



Justice Charmaine Pemberton



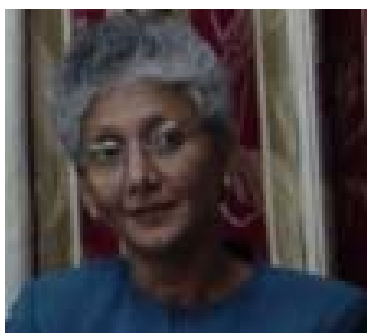
Justice Hugh Rawlins



Justice Davidson Baptiste



Justice OlaMae Edwards



Justice Rita Joseph-Olivetti



Justice Errol Thomas

Masters



Master Brian Cottle

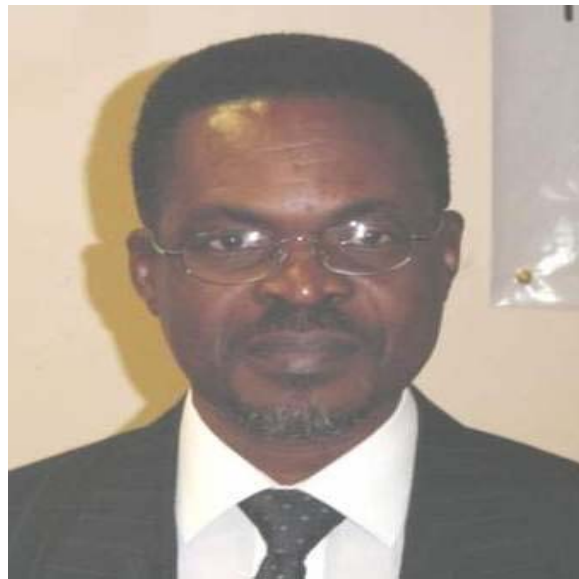


Master Cheryl Mathurin

Other Judges Who Served during the Period 2000 – 2003:

Justice Kenneth Allen, Q.C., O.B.E.
Justice Othniel Sylvester, Q.C.
Justice Albert Matthew
Justice Odel Adams
Justice Ephraim Georges
Justice Cosmos Phillips, Q.C. (Deceased)
Justice Joseph Archibald, Q.C.
Justice Stanley Moore
Justice Satrohan Singh
Justice Dunbar Cenac
Justice Lyle St. Paul
Justice Neville Smith
Justice Telford Georges
Justice Henry Moe
Justice Ronald Wilson (Deceased)
Justice Denys Barrow [Ag.], S.C.
Justice Paul Webster [Ag.]
Justice John Lawrence O'Meally [Ag.]
Justice Gerard St. C. Ferara [Ag.], Q.C.
Justice Murray Shanks [Ag.]

JUSTICE RONALD WILSON



On May 17, 2002 tragedy struck the Eastern Caribbean Supreme Court when one of its High Court Judges, the Honourable Ronald Wilson, was involved in a boating accident, traveling from Carriacou to Union Island, resulting in his death.

It was reported that the Hon. Justice Wilson and two other companions were traveling to Union Island to visit his relatives. At about 7.00 pm the speed boat in which they were traveling was involved in a collision with another boat at sea. As a result he and his companions were thrown from the boat. His companions were rescued but unfortunately Justice Wilson was not. Despite extensive and prolonged search operations by the local and other Coast Guard Services, efforts to find his body were unsuccessful.

Justice Wilson was appointed High Court Judge of the Eastern Caribbean Supreme Court with effect from the 7th April, 2002 and was assigned to Grenada. He came to the Court with a very impressive intellectual and well rounded background. He was a qualified Nurse having trained at the Nurses Training School, Manor Hospital Epsom, Surrey from 1970 to 1973. He practiced that profession for five [5] years from 1970 to 1975, first as a Staff Nurse and then as a Charge Nurse at Manor Hospital, Surrey, England and Grove Park Hospital, London, England respectively.

Justice Ronald Wilson obtained the Bachelor of Laws, London LLB [Hons] from Mid-Essex Technical College, Chelmsford, Essex, England in 1976 and the Masters of Law [LLM] from Queen Mary College, University of London in 1977. He subsequently attended the Hugh Wooding Law School in 1979, where he

received the Legal Education Certificate. He was called to the Bar of Trinidad and Tobago in October 1979. From 1979 to 1986 Justice Wilson was engaged in private law practice as a Barrister-at-Law in Trinidad and Tobago. From 1986 to 1996 he was Tutor at the Council of Legal Education, Hugh Wooding Law School. From 1996 to the time of joining the Court he was Senior Tutor at the Council of Legal Education, Hugh Wooding Law School. Justice Wilson also lectured on a part-time basis in a number of Faculties at the University of the West Indies, St. Augustine:

- ❖ Faculty of Medical Sciences
- ❖ Department of Surveying and Land Information
- ❖ Department of Management Studies

When one reads this impressive Resumé of Justice Wilson, one comes to the unmistakable conclusion that he was a very resourceful person with a brilliant and sharp mind.

The cruel hand of death may have taken him prematurely from our midst where if time had allowed he would have made, I am sure, a valuable contribution to the growth and development of our Jurisdiction. That notwithstanding, I am confident however that he has left his footprints on the "sands of time".

Justice Wilson was married to Phillipa, and he was the father of three - Orin, Sharisse and Rhonda.



Developments & Initiatives

Department of Court Administration

The first annual report of the Court provided information on the restructuring programmes which were taking place at the ECSC and highlighted the objectives of the “Proposal to Restructure the Eastern Caribbean Supreme Court” which was previously presented to the Authority.

During the current review period, 2000 – 2003, there have been several significant developments in this area and the Department of Court Administration is now fully in place at the ECSC Headquarters.

All Court Administration activities were performed by the Chief Registrar, at the ECSC Headquarters, with a limited number of staff. During the period under review, the Office of Court Administration has been strengthened with the appointment of the following officers: Court Administrator, Human Resource Officer, Office Manager, and Statistician.

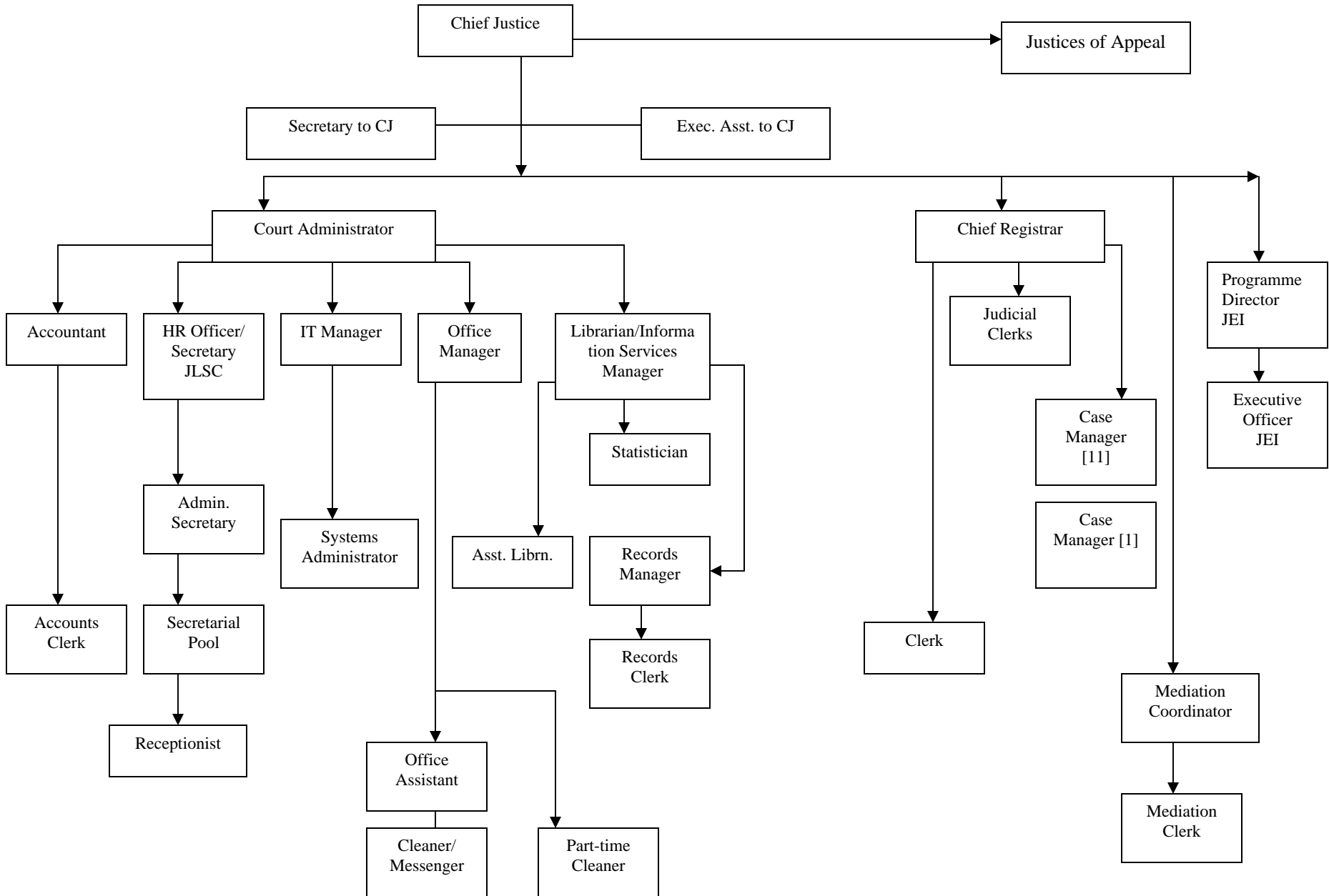
The Information Services Department, including a Records / Correspondence Unit, the Accounts Department and the Administrative / Secretarial Pool were established in response to the demand for improved administrative resources.



ECSC Headquarters Staff:

Front row: (left to right) Ms. Joan Joseph, Secretary; Ms. Sheran Emmanuel, Head of Secretarial Pool; Mr. Michael Andrew, Accounts Assistant; Ms. Sheron Baptiste, Case Manager; Mrs. Sandra Augier, Receptionist. Second row: (left to right) Mrs. Ianthea Leigertwood-Octave, Chief Registrar (seated); Ms. Isaline Antoine, Secretary; Ms. Michelle John, Judicial Clerk; Ms. Alana Simmons, JEI Executive Officer; Ms. Natasha James, Secretary; Ms. Francisca Polius, Secretary; Ms. Daisy Ann St. Rose, Library Assistant; Ms. Claudette Valentine, Librarian/Information Services Manager; Mr. Augustus Marcellin, Network Administrator. Back row: (left to right) Mr. Leslie Prospere, Judicial Clerk; Mr. Gregory Girard, Court Administrator; Ms. Lilith Dalphinis, JEI Programme Director; Mrs. Clarita McDonald, Records Clerk; Mrs. Reine James, Records Manager; Ms. Angus Smith, HR Officer; Ms. Cynthis David, Case Manager; Ms. Lenore St. Croix, Office Manager/Mediator Coordinator; Mrs. Avis Burch-Smith, Mediation Clerk.

The following chart depicts the structure of the Eastern Caribbean Supreme Court Headquarters:



In addition to the developments at the ECSC Headquarters, efforts have also been made to put the necessary persons in place in each Court Office to perform the necessary Court Administration tasks in the member states. All Court Administration activities were the direct responsibility of the Registrars and some positive strides have been made in the different member states to move the administrative responsibilities from the Registrars and thereby permit them to have more time for legal functions in the Court Offices.

As part of all the above developments, members of staff are being provided with the necessary training either through the Judicial Education Institute of the Court or other available programmes from regional institutions and organizations.



Judicial Officers and Staff Members of the Eastern Caribbean Supreme Court Headquarters attending orientation/ training session, August 2003

Judicial Training

The Judicial Education Institute is committed to the enhancement of the delivery of justice by providing quality education and training for all levels of the judicial cadre. Since the inception of broad reforms initiated by Sir Dennis Byron in 1996, the programmes organized by the JEI have been so sharply focused on judicial reform, that the acronym JEI has become synonymous with judicial reform.

Under the chairmanship of the Hon. Justice Adrian Saunders, the JEI is making incisive inroads in strengthening the process of an independent, competent, efficient and effective delivery of justice throughout the region. Justice Saunders also heads a committee which has the responsibility for planning, conducting and overseeing relevant and responsive judicial education activities. The JEI is managed by a Director who is assisted by an Executive Officer.

The JEI seeks to provide the knowledge, skills, responsibilities and awareness required by Judges, Masters, Magistrates, Registrars and their support staff to perform their judicial responsibilities impartially, competently, efficiently and effectively. This includes the fair and efficient management of trials, the removal of backlogs, and the reduction of court delay. In turn, the valourization and improvement of the quality of judicial services rendered to the general public will develop increased confidence in and enlightenment about the workings of the legal system.

During the years under review the JEI has been proactive in developing a variety of programmes to complement the package of reform measures introduced in the administration of justice. These measures include the promulgation of new civil procedure rules, the computerization and reorganization of the court offices, the introduction of court supervised mediation, the regionalisation of the Magistracy, enhanced transparency in the selection of judicial officers and the adoption of a code of ethics for judicial officers.

The Institute also endeavours to organize training programmes for judicial officers in areas of law that are new as well as those they are familiar with.



Judicial Statistics Training Workshop, Cara Suites Hotel, Saint Lucia, April 2003

The following is a list of the programmes commissioned by the JEI since 2000.

1. Judicial Awareness Symposium April 8 – 10, 2001 in Saint Lucia.
2. JEI Workshop on Appellate Court Improvement May 24, 2001 in Saint Lucia
3. World Intellectual Property Organisation (WIPO) Symposium on Intellectual Property for the ECSC Judiciary. June 28 – 29, 2001 in Saint Lucia.
4. Judges Conference June 30, 2001, Saint Lucia.
5. First ADR workshop co-hosted by the Caribbean Law Institute Center and Caribbean Law Institute, University of Florida, May 3 – 4, 2001.
6. Caribbean Anti Money Laundering Seminar, Anti Money Laundering Programme (CALP) held in Grenada December 13 – 14, 2001 for Judges, Magistrates and Registrars.

7. Sentencing Workshop, held in Grenada, December 15, 2001 for Judges, Magistrates and Registrars.
8. Orientation Programme for Registrars and Deputy Registrars, January 24 – 26, 2002, held in Saint Lucia
9. Orientation Programme for Judges, February 25 – 28, 2002 held in Saint Lucia
10. Telecommunications Workshop March 1 – 2, 2002 held in Saint Lucia
11. Orientation Programme for Magistrates July 8 – 13, 2002 held in Antigua and Barbuda and Barbuda.
12. Court Administration Training, September 30 to October 10, 2002 in Saint Lucia - a partnership between the JEL and the National Center of the State Courts, USA
13. Mediator Training sponsored by USAID held in Saint Lucia from October 14 – 18, 2002 - a partnership between JEI and the Hugh Wooding Law School.
14. Orientation Programme for newly-appointed Judicial Officers, November 2002 in Saint Lucia, Trinidad and Grenada.
15. Second ADR Workshop for the Judiciary, December 5 – 6, 2002 held in Saint Lucia - a partnership amongst the JEI, the Caribbean Law Institute, University of Florida and the Caribbean Law Institute Center, UWI Barbados.
16. Dynamics of Team Building for OECS Judges, Magistrates and Registrars, a partnership between the JEI and the Center for Management Development, UWI, Barbados, December 7, 2002 in Saint Lucia.
17. Judgment Writing Workshop for Judges of the OECS, March 17 – 20, 2003 held in Saint Lucia.
18. Statistics Workshop for Judges, Registrars and Court Administrators of the OECS held in Saint Lucia from April 28 – 29, 2003 - a partnership between the Justice Studies Center of the Americas (JSCA) and JEI.
19. Magistrates Workshop on Judicial Ethics and Corruption held from June 4 – 6, 2003 in Saint Lucia - a partnership amongst the JEI, the Commonwealth Secretariat, the Commonwealth Magistrates and Judges Association and the OECS JLR project.

20. Audio Recording Training for Judges of the Eastern Caribbean held in Saint Lucia from August 18-21, 2003 - a partnership amongst the JEI, USIAD and OECS Judicial Legal Reform Project.
21. Second Orientation for Judicial Officers held in Saint Lucia from August 19-22, 2003.
22. Headnote Writing And Law Reporting Workshop for OECS Judges, Lawyers, Registrars and Librarians held in Saint Lucia from September 8-9, 2003 - a partnership between Caribbean Law Publishing Company Ltd, Jamaica and the JEI.

To be able to implement these programmes/workshops, the Institute derives its funds from two main sources: A small part of the budget annually allocated to the Court by the Eastern Caribbean Governments is set aside for the work of the Institute. Since the establishment of the Institute, the Chief Justice has been successful in obtaining from the contributing Governments an increase in the budgetary allocations due to the Court to take account of the work of the Institute. In addition the Institute seeks to fund its programmes with assistance from international donor agencies on a project-by -project basis. The Canadian International Development Agency and United States Agency for International Development have been major contributors and we are extremely grateful for this assistance. Other agencies which have generously contributed are the World Intellectual Property Organisation, United Nations Environmental Programme, Commonwealth Secretariat, Commonwealth Magistrates and Judges Association, Caribbean Anti Money Laundering Programme, National Center for State Courts (USA), Justice Studies Center of the Americas, the Supreme Court of Trinidad and Tobago and the Governments of the OECS.

The process of constituting the JEI and of planning and implementing its programmes has benefited enormously from the training that several judicial officers received as a result of their attendance at the CJEI Intensive Training Programme for Judicial educators. Six of the members who currently sit on the Board are fellows of the CJEI Programme.

The JEI is mandated to enhance the process of justice, by providing the knowledge, skills and technical training necessary to ensure that judicial officers carry out their duties to the highest standards of professional excellence, and continues to be a vanguard for judicial reform. This augurs well for a judiciary which seeks to be quintessentially independent, and essentially fair

Mediation

In October 2002, the Honourable Chief Justice issued a Practice Direction to introduce Mediation as a pilot project in Saint Lucia. Though Mediation has been introduced as an activity of the High Court, the pilot in Saint Lucia is being managed from the Supreme Court Headquarters. The Mediation Coordinator is actually the Office Manager and there are two offices at the Supreme Court Headquarters which are being utilized to conduct the mediation sessions.



Planning session in progress at the Supreme Court Headquarters' Conference Room

As at 31st July 2003, approximately 132 matters were referred to mediation out of which approximately 80 have been concluded with 47 settlements. The remaining matters are currently being scheduled. The initial pilot project ended in April 2003 but has been extended to December 2003.

It was initially anticipated that the activity would have been replicated in some of the other Member States by the end of this reporting period. However, this has proven to be difficult as a result of resolving issues which the pilot raised in Saint Lucia, the availability of the main consultant, and the several preparatory steps required for a successful introduction.

Plans are well advanced for the introduction of the Mediation activity in the Member States of Grenada, Antigua and Barbuda & Barbuda, and the British Virgin Islands by 31st December 2003. It is further anticipated that the activity will commence in the remaining five Member States by 31st July 2004.

The Court of Appeal Registry

The Registry of the Court of Appeal is located at the Headquarters of the Eastern Caribbean Supreme Court in Castries, Saint Lucia. The Registry, which is headed by the Chief Registrar is the hub of the appellate process. The Registry provides administrative, legal and research support to the Court of Appeal.

In accordance with the Court of Appeal Rules 1968 and the Eastern Caribbean Supreme Court Civil Procedure Rules 2000 [CPR 2000], the Registry receives and processes all documents and information relating to any appeals filed in the sub-registries in the nine Member States.

As with the High Court, the years 2000-2003 have been marked by significant improvements in the appellate process which are directly related to changes in the operations and functioning of the Registry.

Most significantly, CPR 2000 introduced a differentiated process for High Court civil appeals. Prior to CPR 2000, once an appeal was filed whether it related to a substantive issue or a procedural point, it followed the same process. As the preparation of Records of Appeal has varied and continues to vary from 3 months to 3 years, the average appeal under the old rules would not generally be disposed of under 12 months.

Under CPR 2000, there are now 2 expedited processes, as the Rules provide for procedural appeals and summary appeals. Both types of appeals ensure where appeals do not relate to substantive issues in the claim or can be determined without the preparation of a full record of appeal can now be considered by the Court within a 6 week period.

These new processes have impacted heavily on the Court of Appeal Registry and additional staff was required to handle the workload. In 1999 the Registry was staffed by only the Chief Registrar. By July 2003, 2 Case Managers had been added to ensure that case flow was managed efficiently.

To further support the Court's increased workload, 2 Judicial clerks, recruited in August 2002 and March 2003 now strengthen the Court's research component, as the Chief Justice and the Justices of Appeal have seen visible increase in the judicial workload and require constant research support.

In addition, JEMS [Judicial Enforcement Management System] case management software was installed in 2001 and it continues to assist in case processing and provides ready access to the case information needed for management purposes.

The area of the Registry's operations which has seen the most significant development and coordination is the processing of interlocutory applications [eg.

leave to appeal, extensions – time to appeal/stay of execution]. Prior to 2000 interlocutory applications were heard by the Court of Appeal as part of their regular sittings in the various islands. Hearing lists for these 1 week sittings were generally cluttered with interlocutory applications, which severely reduced the judicial time available for hearing substantive appeals.

During the last 3 years, processes have been developed to ensure that these applications are generally disposed of at Chamber Hearings held every week that the Court is not on circuit and in the majority of cases on written submissions. Where oral hearings are required, teleconferences have been used to expedite the hearings.

The Registry is now focused on managing the backlog of appeals at both the High Court and Magisterial levels. At the High Court level, the Registry is working with High Court Offices to ensure that the outstanding transcripts of proceedings are completed so that the processing of pending appeals at that level can move forward.

At the Magisterial level, the Registry is presently to ascertain the extent of the backlog, as in most cases only completed records of appeal are transmitted to Saint Lucia and not the notices of appeal. The Registry is therefore not in a position to determine the true extent of pending appeals at that level.

In 2002, the Chief Justice gave an administrative direction that every notice of appeal should be forwarded to the Registry within 1 business day of filing. At the end of the reporting period, there has been little improvement in the receipt of notices of appeal from the Magistrates Court. The Registry has now devised a strategy to deal with the outstanding appeals on an island by island basis. Magisterial appeals in Anguilla have been brought up to date and Saint Vincent and the Grenadines will be dealt with in the coming months. Already over 300 notices of appeal from 1985 to 2001 have been processed by the Court of Appeal Registry. It is hoped that the Court will deal with the appeals towards the end of 2003 and the process will be moved to another island.

Law Reports

The dissemination of the judgments of the Eastern Caribbean Supreme Court to a wide cross section beyond the OECS Region, has been under serious consideration for some time. The publication of the Eastern Caribbean Law Reports was seen as one of the major ways of facilitating this process. Therefore steps were taken to explore the feasibility. After due consideration of both regional and international options, Caribbean Law Publishing Company of Jamaica was selected to partner in this project.

This collaboration has resulted in the publication of the 1996 volume, which is now available for distribution; with 1997, 1998 & 1999 volumes slated for publication in 2004.

Court Buildings

In an effort to ensure that the public has proper access to justice, it is essential that the facilities meet the present needs of both the court users and the court staff. It cannot be over-emphasized how important it is that the facilities in place be suited for a court environment.

Prior to this reporting period, two of the Member States (Anguilla and St. Kitts) financed the construction of two new Court buildings.

During the current review period, there have been efforts made to provide more suitable accommodation for the operations of the court. First, the construction of a new Court building, with spacious accommodations, in Antigua and Barbuda & Barbuda was completed in 2000. The Staff relocated to the new premises in April 2003 and the official opening took place in September 2003.

In Grenada and Nevis, renovations were made to the facilities of the Supreme Court to permit more suitable operations.

In Saint Lucia, work commenced to renovate the existing court office in 2003. Also, plans have been developed to refurbish and utilize additional space available for the offices housing the Supreme Court Headquarters and the Court of Appeal.

In many of the Member States there is still work to be performed to provide adequate facilities. Even with the renovations which have taken place and which are planned, the resulting accommodation would still not be most suited for housing of the Court.

In the design of court facilities care must be taken to control access to the facilities, provide public facilities, control circulation and movement of persons, and relate functional units for the most effective use of space. In November 2002, the ECSC was provided with an opportunity to attend a three-day training seminar in Court Design which was being conducted by the National Center for State Courts for the Judiciary of Trinidad and Tobago. Five persons attended from the Eastern Caribbean Region including two architects currently employed with the Government of Saint Vincent and the Grenadines & the Grenadines and Saint Lucia. This training was very timely given the work which was being

developed in Saint Lucia and the plans being made by the Saint Vincent and the Grenadines & the Grenadines Government to build a new court building.

The Reform Programme

Over the last few years there has been significant judicial reform which has been centered around the following five areas:

1. Procedural Reform
2. Quality of Judges
3. Administration
4. Information Technology
5. Court Structures

All the reforms have been either directly or indirectly geared towards better Judicial Management and access to justice.

Procedural Reform

Procedural reform to improve judicial management has included the introduction of new rules of Civil Procedure (CPR 2000) from December 31, 2000. CPR 2000 has facilitated greater judicial management of the court process and permitted the introduction of Appropriate Dispute Resolution (ADR). The new CPR 2000 places the Court in a position to better manage the litigation process and achieve the overriding objective of enabling the court to deal with cases justly.

By the end of the reporting period work had already commenced to review and develop new Probate Rules of Court utilizing a consultant from the region provided with USAID funding. It is anticipated that these new rules will be implemented in the next law year 2003 / 2004.

Quality of Judges

In looking at better judicial management over the last few years the Honourable Chief Justice has taken steps to improve the quality of judges by improving the judicial selection and appointment process, introducing a Code of Ethics for Judges, and utilizing Judicial Education.



Justice Charmaine Pemberton & Justice Hugh Rawlins being sworn in as High Court Judges

In the Court's first annual report, the recommendation of the Dumas report for the development of a Code of Ethics was mentioned and a draft paper on the subject had been prepared. The Code of Ethics was completed and adopted by the Court in 2001.

During the current reporting period, work was started on the Regionalization of the Magistracy and it is expected that this will continue in the next Law Year. This activity is being supported by CIDA.

Judicial Education has been a major vehicle utilized in the reform process to ensure that all judicial officers and court office staff are provided with the necessary training. Over the last few years, the JEI of the ECSC has conducted a number of sessions in the different Member States. The activities of the JEI have received a significant degree of support from both USAID and CIDA.

In addition to providing training to the members of the Judiciary, the JEI focuses on providing training to all court office staff. Over the last 18 months some of the activities of the JEI included:

- Orientation Programmes for New Judges, Magistrates, Masters, Registrars and Deputy Registrars
- Training for Court Administrators in Case Flow Management
- Alternative Dispute Resolution Workshops
- Training of Mediators
- Judgment Writing Program for Judges
- Statistics Workshop
- Magistrates Workshop on Judicial Ethics and Anti-corruption Issues

The JEI has now developed to the point where we are now looking to create greater public awareness of the work which is being performed by the Court and to facilitate conducting programmes through distance learning. One of the greatest expenses associated with putting on a programme for persons throughout the region is the cost for travel, subsistence, and accommodation, and so the use of distance learning techniques will be used greatly to facilitate the work of the JEI.

Administration

The section of this report on “Development of the Department of Court Administration” has already highlighted the Administrative reforms.

It is worthy of mention that in the area of Administration, a number of consultations have taken place over the reporting period. These include:

- i. the EEB Consultancy – Office Management (August 2000),
- ii. the Court Management Associates Consultancy – Court Administration (August 2000 and April 2001),
- iii. Connelly Consultancy – Records Management (February 2001),
- iv. the Maynard / Georges Consultancy on Regionalization of the Magistracy, and
- v. the Court Filing Fees Paper by Mr. Alick Lazare.

These have resulted in the production of several reports which have been used to chart the course of the Court in the reform exercises. In July 2003, work started on a paper looking at the Financial Independence of the Court which is expected to be available for review and further development / implementation in the 2003 / 2004 Law Year.

In addition, the Court has been instrumental in assisting other judiciaries in the region. The Honourable Chief Justice, Sir Dennis Byron, has made several presentations over the last few years to various audiences in the region and the Court Administrator from the ECSC Headquarters was a member of a team providing technical assistance to the Jamaica Supreme Court in November 2002 and January 2003.

Information Technology

Technology has been utilized to improve efficiency and operational effectiveness both at the ECSC Headquarters and at the individual High Court Offices. The IT Operations at the Headquarters includes the development of a website from September 2000, full internet access via an ADSL line with Cable & Wireless, and a Local Area Network to facilitate sharing of files and resources.



Chief Justice Sir Dennis Byron views computers to be distributed to Member States



Ms. Evelina Baptiste, Secretary, JLSC (Actg), accepts gift of a laptop and LCD projector from Mrs. Jennifer Astaphan, Project Manager, ORCS-CIDA JLR Project, while Natacha James and Cynthia David(Members of Staff) look on.



Members of staff make use of the facilities to improve efficiency in the Court system

Judicial Enforcement Management System (JEMS)

Commencing in November 2000, the Court began the implementation of the Judicial Enforcement Management System (JEMS) Case Management Software package. This started with a training programme for some of the court office staff from each Member State. A total of approximately 40 persons from the 10 court offices were trained over a three-week period in installation of, and use of the JEMS Application Software.

During the year 2001, the software was implemented in all the Member States with the local governments providing funds for the purchase of the software licenses. A total amount in excess of US \$ 427,000 was provided by all the Member States to purchase the necessary software licenses.

All cases filed since January 2001 were entered into the JEMS software at the time that the software was implemented. The USAID provided hardware for all the independent Member States including a server, workstations, printers, scanners, and an Uninterruptable Power Supply.

USAID has continued to support the use of technology for the JEMS system through the provision of additional computer equipment for court office staff, laptops for judges, and additional software. Some of the additional software provided will facilitate the following:

- i. Imaging of documents filed in a case
- ii. Jury Management
- iii. E-Filing
- iv. Internet access to case information

So far the introduction of the technology has been focused on the High Court and plans are currently being finalized to introduce similar technology in the Magistrates Courts in the Member States with the assistance of CIDA and USAID. This will take place during the 2003 / 2004 Law Year.

Backlog Data Entry

A special backlog data entry exercise supported by USAID began in all the Court Offices of the independent Member States in March 2002. The exercise involves the entry of case information for all civil cases filed and not yet disposed of between January 1, 1980 to December 31, 2000. In addition, cases which were

disposed of during the period January 1, 1996 to December 31, 2000 are also being entered. The different court offices are at various stages of the data entry but it is expected that the exercise will be completed during the 2003 / 2004 Law Year.

Court Reporting

Until recently the Judges and the Magistrates have been required to take long hand notes of the evidence given during a trial or hearing in order to prepare the required transcripts for the matter to move to the next stage in the process. This means that the trial process could only move as fast as the Judge or Magistrate could write.

The 1999 / 2000 Annual Report provided information on the work done during that period in the area of Court Reporting. Since then there have been several significant developments in this area.

Two methods are being implemented for Court Reporting; first is the use of audio recording equipment and second is the use of computer aided transcription (CAT) equipment. Once these alternative electronic forms of recording the court proceedings are in place and all necessary supporting legislation has been enacted, it would mean that the Judge or the Magistrate would be able to allow the trial to move faster.

The CIDA JLR project has provided audio recording equipment for all the courts in the independent Member States and they have been assisting with the necessary training. Training has been conducted for the Court Office staff in the setting up and use of the equipment and also with the log preparation which would be used to assist with producing the transcript.

In addition, USAID has provided assistance by funding the provision of Computer Aided Transcription (CAT) equipment for pilot projects in the Member States of the Commonwealth of Dominica and St. Kitts & Nevis where trained staff already exists. USAID has also funded the training of seventeen (17) court office staff from the independent Member States in the use of CAT technology for Court Reporting. This is a two-year programme which commenced in July 2002.

Five (5) persons from Saint Lucia (3 from the High Court and 2 from the Magistrates Court) have recently started an eight-week programme to become certified transcriptionists. This training is also being funded by the USAID.

During the 2003 / 2004 Law Year training for Transcriptionists from the other Member States will be conducted.

Court Structures

As part of the reform, attention has been paid to the Court Structures.

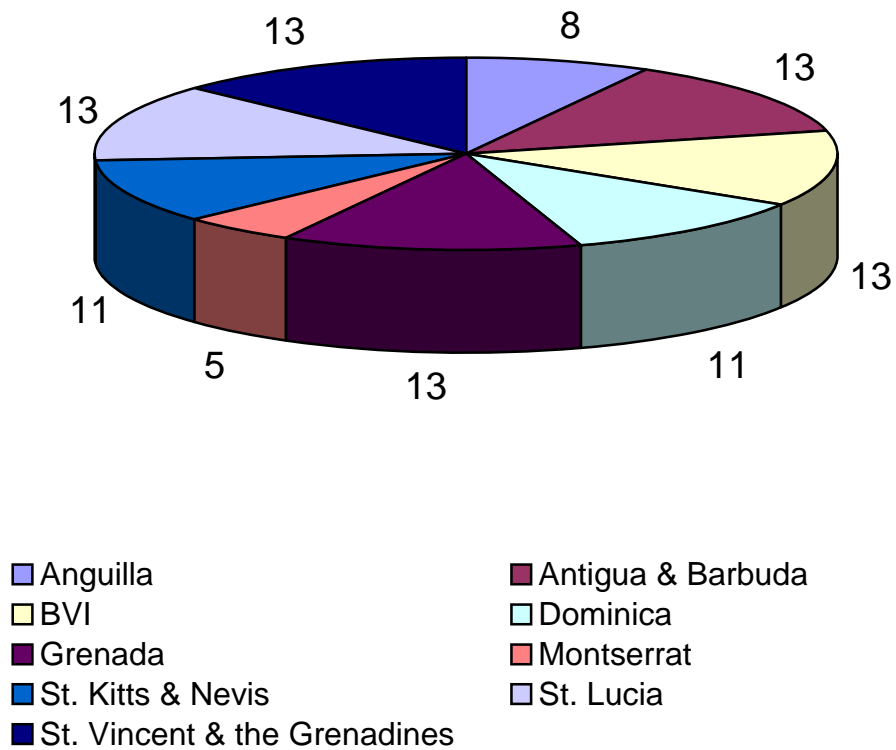
Plans are currently being made to modify the current Court Structures in order to introduce special divisions including a Family Division, a Criminal Division, a Commercial Division, and a Small Claims Division.

It is anticipated that this area will be significantly developed during the 2003 / 2004 Law Year.

Funding of the Judiciary

The ECSC is financed by contributions from the nine Member States in accordance with an agreed percentage of the approved annual budget which is set by the Judicial & Legal Services Commission in concurrence with the Authority. The Member States contributions are as follows:

**Member States Contributions
(Percentage)**



Financial Overview

The Court's Financial Year runs from July 1st – June 30th. The Accounts Department is responsible for preparing the annual budget which is approved by the Court. Once the budget has been prepared, it is presented for discussion with the Budget Committee (which comprises a budget officer from each Member State). The Budget is then presented to the Authority for approval. It is a requirement that the decision to approve the budget must be unanimous.

Once the Budget is approved by the Authority, it becomes an obligation of each Member State to pay the contributions in accordance with the preset percentages highlighted earlier.

The approved budgets for the periods under review and the period of the previous Annual Report are as follows:

COST CENTRE	APPROVED BUDGET			
	1999/2000 \$	2000/2001 \$	2001/2002 \$	2002/2003 \$
Personnel Emoluments	3,311,057	3,770,799	5,351,493	5,291,183
Administrative Expenses	1,174,163	1,177,563	1,655,467	2,222,168
Capital Expenditure	436,211	57,159	481,648	298,598
Case Management Masters	198,988	331,252	448,703	-
Judicial Education	115,344	54,000	537,569	341,400
Rules Revision Reform	56,000	70,500	34,650	-
Judicial and Legal Services Commission	29,629	75,000	57,000	41,000
Judicial Council	-	-	-	-48,520
TOTAL EC\$	5,321,392	5,536,273	8,566,530	8,242,869

The Court's preliminary approved budget grew by 4% or EC \$ 214,881 between the period 1999/2000 and 2000/2001 as a result of provisions made for additional

staff and related administrative expenditure for the Reform Programme. During the 2000 / 2001 financial year, the Authority approved a Supplementary Budget of approximately EC \$ 1.5 million. This expenditure relates to an approved salary increase by the Authority for the Judges and Masters of the ECSC which was retroactive to January 2000.

For the period 2001/2002, the Court's approved budget grew by 55% or approximately EC\$3 million. This increase resulted primarily from the provisions for the increased judges salaries, an increase in the complement of Judges by two from thirteen to fifteen, and the employment of additional staff in support of the reform programme along with the necessary related administrative expenditure. Also, there was a significant increase in the provision for Judicial Education, which is of paramount importance to the reform activities.

Finally, for the period 2002 /2003, the approved budget reflects a decline of approximately 4%. This was primarily as a result of the fact that most staffing and related administrative support was already in place and did not require further budgetary provision.

It should be noted that over the review period there has been a significant donor funding which has provided assistance to the Supreme Court primarily from the United States Agency for International Development (USAID) and to a lesser extent the Canadian International Development Agency (CIDA). During the reporting period, the extent of the funds provided by the USAID to activities of the Court exceeded EC \$ 4 million. These included funding for activities such as provision of computer software and hardware, judicial education activities, backlog data entry for cases from 1980, court reporting training, technical assistance by funding consultants in various disciplines, and the introduction of alternative dispute resolution through the courts as a pilot in Saint Lucia.

This funding has made it possible to achieve several successes in the reform programmes embarked upon by the Court. Also, as a result of these contributions, and other cost controlling measures put in place at the ECSC Headquarters, it has been possible to prepare reduced revised financials for presentation to Member States for the last two financial years. Computation of contributions has been adjusted accordingly to reflect the donor funding which has been received.

In the next law year, 2003 / 2004, it is anticipated that a further amount of EC \$ 3 million will be provided to support the reform activities of the court.

Finally, upon review of the budgets of the entire court system in comparison with the National Budgets of the Member States, mention must be made of the fact that in total less than 1% of the national budgets represent contributions to the Court (taking into consideration the Court of Appeal and Supreme Court Headquarters, the High Court, and the Magistrates Court).

Court Productivity

Overview

The Court Administration Department has been strengthened with the appointment of a Statistician since July 14, 2003. The department has begun the process of compiling and analyzing on a regular basis judicial statistics from the nine Member States. The data provided will serve as a tool to strengthen and improve the court's decision-making capacity as well as to assist in monitoring and evaluating the impact of the various reform initiatives implemented by the Court.

As can be seen from the report, efforts to obtain data from some Member States proved futile and in some instances, the data provided was incomplete. The Court Administration Department would like to see a greater emphasis being placed in the provision of timely data from all the Member States for future reports. The Department has provided the mechanism through the introduction of computerized technology in all High Court registries and has begun the initiative to bring similar such technology to the Magistracy in order to attain this goal.

This report provides a review for three judicial periods for the Appellate Court and two judicial periods for the High and Magistrates courts.

In the Appeal Court, a total of 627 cases were filed and 874 disposed for the three judicial periods 2001-2003. This implies that the Eastern Caribbean Supreme Court (ECSC) has made significant headway in reducing the backlog of appeal cases. Appeal cases as far back as 1980 were heard and determined during the three judicial periods. The majority of those cases were disposed by dismissal. The largest volume of appeal cases lodged at the ECSC's registry was from the High Court's jurisdiction.

A total of 7,394 and 2,891 cases were filed and disposed in the High Courts for the two judicial periods ending 2002 and 2003. In the situation of disposed cases, the current data does not provide an actual reflection of the number of cases disposed by the ECSC since many of the countries provided incomplete or no data. However, the issue of backlog is still of great concern and the court is making every concerted effort to bring about a significant improvement to the current situation.

The event count report provides a good synopsis of the volume of the work that has to be handled by the High Courts. A total of 9,429 and 7,998 events were handled by the High Courts for the two periods ending 2003 and 2002 respectively.

The volume of work handled by the Magistrates Court for the two periods is also enormous. An average of 39,431 cases were filed in the Magistrates Courts per judicial period while an average of 30,785 cases were disposed. This present situation implies that the Magistrates Courts incurred an average backlog of over 8,000 cases per judicial period.

It is anticipated that future reports will provide broader details and likewise data on indicators developed by the court, which will better highlight the Court's performance.

Court Of Appeal

Table 1. shows the volume of appeal cases filed and disposed of in the High, Magistrates Courts and the Industrial Court of Antigua and Barbuda for the judicial periods ending July 31, 2003, 2002 and 2001.

The data reveals that total appeal cases filed in the ECSC's registry for the three judicial periods remained more or less constant. An average filing of 209 cases was recorded for the three periods. Appeal cases filed for the period ending July 31 2003, increased by 11% and 10% over the 2002 and 2001 periods respectively. Appeal cases filed from the High Courts for all three judicial periods accounted for over 50% of total appeals filed.

The data on total dispositions for the aforementioned periods indicates that the Court of Appeal has made significant strides in reducing the backlog of appeal cases filed from previous periods. Total appeal cases disposed for the judicial period ending July 31, 2003 and 2002 increased by 254 % and 294% respectively over the 2001 volume. The majority of the appeal cases disposed were by dismissal.

Corresponding with the highest filings, dispositions for appeal cases from the High Courts for the three years accounted for 55% of total appeal cases disposed, with civil appeal cases accounting for the largest volume, that is 74%.

From the Magistracy, the majority of the appeal cases were criminal matters. Criminal appeal cases filed accounted for an average of 68% of total appealed

Table1. Total Appeal Cases Filed and Disposed- 2003, 2002, 2001

Jurisdictions	Judicial Period 2002-2003		Judicial Period 2001-2002		Judicial Period 2000-2001	
	Filed	Disposed	Filed	Disposed	Filed	Disposed
High Court	129	162	127	243	141	77
Civil	78	104	68	194	76	52
Criminal	51	58	59	49	65	25
Magistrates Courts	95	203	71	154	59	22
Civil	29	85	20	82	22	7
Criminal	66	118	51	72	37	15
Antigua and Barbuda Industrial Court	-	-	3	9	2	4

cases filed in the Magistracy.

Table 2 provides data on the volume of the events undertaken by the ECSC registry for judicial periods ending July 31 2003, 2002 and 2001.

Events	Judicial period 2002-2003	Judicial period 2001-2002	Judicial period 2000-2001
Application Hearings	164	101	39
Motions Hearings	2	16	27
Appeal Hearings	324	322	200
Judgement Delivery	56	29	16
Total	546	468	282

The volume of events handled by the ECSC Registry is increasing. This pattern is reflected for all categories of events with the exception of motions hearings. Total events increased by 66 % (180) and 94 % (264) for judicial periods of 2002 and 2003 respectively over events for judicial period of 2001. Appeal hearings accounted for the largest volume of events. An average proportion of 65 % of total events was recorded for the three judicial periods.

As the Court continues on its path in accomplishing an efficient and fair justice system, it is anticipated, given the current trend, that the volume of events of the Appeal Court registry will continue to increase.

Table 3A and 3B on the next page show appeal cases filed from the high and Magistrates Courts respectively by country.

Grenada, Saint Vincent and the Grenadines and Antigua and Barbuda accounted for the largest average proportions of 41% 38% and 31% respectively of civil appeal cases filed from the High Courts for the three judicial periods. The largest proportions of criminal appeal cases filed in the High Courts were for Saint Kitts and Nevis; 41%, Saint Vincent and the Grenadines; 32% and Grenada; 22%

From the Magistracy, the largest volumes of civil appeals were filed from the Magistrates Courts of Saint Vincent and the Grenadines and Saint Kitts and Nevis. These volumes represented percentages of 41 and 20 respectively of total appeals cases filed in this category.

The Magistrates Courts of Saint Vincent and the Grenadines also accounted for the largest volume of criminal appeal cases filed for all three judicial periods.

Table 3A High Court- Appeal Cases Filed By Country
High Court Civil

Country	Judicial period 2002-2003	Judicial period 2001-2002	Judicial period 2000-2001
Anguilla	2	4	2
Antigua and Barbuda	15	4	12
British Virgin Islands	10	8	6
Commonwealth of Dominica	7	3	4
Grenada	11	18	12
Montserrat	1	5	3
Saint Kitts and Nevis	11	5	12
Saint Lucia	12	10	7
Saint Vincent and the Grenadines	9	11	18
Total	78	68	76

High Court Criminal

Country	Judicial period 2002-2003	Judicial period 2001-2002	Judicial period 2000-2001
Anguilla	1	1	0
Antigua and Barbuda	1	7	9
British Virgin Islands	1	1	0
Commonwealth of Dominica	6	3	16
Grenada	10	18	11
Montserrat	0	1	0
Saint Kitts and Nevis	12	18	11
Saint Lucia	7	2	7
Saint Vincent and the Grenadines	13	8	11
Total	51	59	65

Table 3B. Magistrates Courts- Appeal Cases Filed by Country
Magistrates Courts Civil

Country	Judicial period 2002-2003	Judicial period 2001-2002	Judicial period 2000-2001
Anguilla	0	1	1
Antigua and Barbuda	0	4	2
British Virgin Islands	1	0	1
Commonwealth of Dominica	1	2	5
Grenada	4	0	2
Montserrat	1	1	1
Saint Kitts and Nevis	4	6	4
Saint Lucia	0	0	1
Saint Vincent and the Grenadines	18	6	5
Total	29	20	22

Magistrates Courts Criminal

Country	Judicial period 2002-2003	Judicial period 2001-2002	Judicial period 2000-2001
Anguilla	0	1	2
Antigua and Barbuda	0	2	0
British Virgin Islands	0	2	2
Commonwealth of Dominica	10	7	2
Grenada	8	3	9
Montserrat	1	1	-
Saint Kitts and Nevis	0	3	4
Saint Lucia	0	5	2
Saint Vincent and the Grenadines	47	27	16
Total	66	51	37

Table 4A and 4B show the volume of appeal cases disposed for the high and Magistrate' courts respectively by country.

The largest average proportions of civil appeal cases disposed for the High Courts were seen for Saint Vincent and the Grenadines, Antigua and Barbuda and Barbuda and Commonwealth of Dominica. Those disposed cases represented proportions of 28%, 14% and 13% respectively of total appeal cases disposed for the above-mentioned islands. In the cases of Saint Vincent and the Grenadines and Antigua and Barbuda, the volume of the cases disposed corresponds to the volume of appeal cases lodged from those islands for the three reporting periods.

Table 4A. High Court -Appeal Cases Disposed by country			
<u>High Court Civil</u>			
Country	Judicial period 2002-2003	Judicial period 2001-2002	Judicial period 2000-2001
Anguilla	5	16	3
Antigua and Barbuda	3	42	6
British Virgin Islands	18	6	4
Commonwealth of Dominica	1	18	2
Grenada	35	5	6
Montserrat	10	1	3
Saint Kitts and Nevis	21	1	2
Saint Lucia	6	26	13
Saint Vincent and the Grenadines	5	79	13
Total	104	194	52
<u>High Court Criminal</u>			
	Judicial period 2002-2003	Judicial period 2001-2002	Judicial period 2000-2001
Anguilla	0	0	0
Antigua and Barbuda	0	1	1
British Virgin Islands	3	0	2
Commonwealth of Dominica	3	34	1
Grenada	10	3	5
Montserrat	10	0	2
Saint Kitts and Nevis	17	1	1
Saint Lucia	5	3	7
Saint Vincent and the Grenadines	10	7	6
Total	58	49	25

Table 4B. Magistrates Courts- Appeal Cases Disposed by Country			
<u>Magistrates Courts Civil</u>			
Country	Judicial period 2002-2003	Judicial period 2001-2002	Judicial period 2000-2001
Anguilla	0	0	1
Antigua and Barbuda	1	21	0
British Virgin Islands	4	0	0
Commonwealth of Dominica	3	21	0
Grenada	21	0	0
Montserrat	19	2	1
Saint Kitts and Nevis	34	1	0
Saint Lucia	0	8	1
Saint Vincent and the Grenadines	3	29	4
Total	85	82	7
<u>Magistrates Courts Criminal</u>			
	Judicial period 2002-2003	Judicial period 2001-2002	Judicial period 2000-2001
Anguilla	1	1	2
Antigua and Barbuda	0	1	0
British Virgin Islands	2	0	1
Commonwealth of Dominica	9	49	1
Grenada	4	0	3
Montserrat	51	1	0
Saint Kitts and Nevis	32	1	0
Saint Lucia	1	4	1
Saint Vincent and the Grenadines	18	15	7
Total	118	72	15

The largest average proportions of criminal cases disposed in the High Courts were for Commonwealth of Dominica: 28%, Saint Vincent and the Grenadines: 17%, and Saint Kitts and Nevis: 14%.

From the Magistracy, the largest number of civil cases disposed was for the Commonwealth of Dominica: 28%, Saint Vincent and the Grenadines: 17%, and Saint Kitts and Nevis: 14% of total cases disposed in that category. For criminal appeals, the islands of the Commonwealth of Dominica, Montserrat, and Saint Vincent and the Grenadines accounted for the largest proportions of 29%, 25% and 20% of total dispositions of that category.

High Court

Table 5 gives an indication of the volume of new cases filed in the Registries of the High Courts of the ECSC for the two reporting periods.

Data for Antigua and Barbuda and Grenada were not available at the time of this report and are therefore not reflected in the table.

The available data reflects that total cases filed in the High Courts for the judicial period ending July 31, 2003 increased by 14 % or 470 over the judicial period ending 2002. It is clearly visible from data provided, that for the two reporting periods the volume of cases filed in the High Court Registry of Saint Lucia surpasses that of other High Courts of the ECSC. The number of cases filed in the High Court of Saint Lucia accounted for an average of approximately 35% of total cases lodged in the ECSC High Courts for the two periods. The Commonwealth of Dominica recorded the second largest proportion of 23% of total cases filed for 2003, while Saint Vincent and the Grenadines recorded the second largest 23% for 2002.

Of cases filed for the two judicial periods ending July 31, 2003 and 2002, civil cases accounted the largest proportion of 66% and 71% respectively of total filings. Probate matters accounted for the second largest amount of 12% of total filings for each period.

Table 5. High Court- Number of Cases Filed By Major case Type by Country							
Judicial period 2002-2003							
Countries	Civil	Criminal	Matrimonial	Adoption	Probate	Admiralty	Total
Anguilla	89	7	19	1	0	0	116
Antigua and Barbuda	-	-	-	-	-	-	-
British Virgin Islands	26	10	7	0	13	0	56
Commonwealth of Dominica	536	106	58	0	225	0	925
Grenada	-	-	-	-	-	-	-
Montserrat	99	14	2	0	25	0	140
Saint Kitts and Nevis	288	88	53	0	100	2	531
Saint Lucia	1026	54	149	36	110	3	1378
Saint Vincent and the Grenadines	565	97	139	0	0	1	802
Total	2629	376	427	37	473	6	3948
Judicial period 2001-2002							
Countries	Civil	Criminal	Matrimonial	Adoption	Probate	Admiralty	Total
Anguilla	77	9	20	0	0	0	106
Antigua and Barbuda	-	-	-	-	-	-	-
British Virgin Islands	-	-	-	-	-	-	-
Commonwealth of Dominica	433	-	51	0	220	0	704
Grenada	-	-	-	-	-	-	-
Montserrat	99	25	6	0	25	0	155
Saint Kitts and Nevis	247	50	39	0	79	0	415
Saint Lucia	1027	74	19	36	102	0	1258
Saint Vincent and the Grenadines	595	79	126	0	0	8	808
Total	2478	237	261	36	426	8	3446

Notes: - means no data was provided or available

Data for the British Virgin Island (for judicial period 2002-2003) was only provided for July 2003.

Table 6 provides an indication of the volume of cases disposed by the High Courts of the ECSC.

The data for the British Virgin Island, Saint Lucia and Saint Vincent and the Grenadines are incomplete.

The current data shows that a total of 2081 and 810 cases were disposed by the High Courts in 2003 and 2002 respectively. The 2003 figure represents an increase of almost 157% over 2002 period. Much cannot be deducted from this data since as indicated earlier in the report, the data is incomplete for some islands and therefore does not reflect the actual situation with dispositions for both periods.

The island of the Commonwealth of Dominica recorded the largest volume of cases disposed in 2003 that is 19% of total dispositions for that period and Saint

Kitts and Nevis recorded the largest volume of dispositions in 2002; 42% for that period.

Corresponding with the volume of filings, the greatest proportion of cases was disposed for civil matters for both periods, sixty three percent and forty percent respectively for 2003 and 2002.

Table 6. High Court- Judicial period 2002-2003							
Number of Cases Disposed By Major Case Type by Country							
Countries	Civil	Criminal	Matrimonial	Adoption	Probate	Admiralty	Total
Anguilla	38	11	6	1	0	0	56
Antigua and Barbuda	-	-	-	-	-	-	-
British Virgin Islands	26	10	25	0	14	0	75
Commonwealth of Dominica	170	0	7	0	225	0	402
Grenada	-	-	-	-	-	-	-
Montserrat	5	7	0	0	28	0	40
Saint Kitts and Nevis	182	63	59	0	65	2	371
Saint Lucia	359	-	2	9	21	0	391
Saint Vincent and the Grenadines	546	46	154	0	0	0	746
Total	1326	137	253	10	353	2	2081
Judicial period 2001-2002							
Countries	Civil	Criminal	Matrimonial	Adoption	Probate	Admiralty	Total
Anguilla	30	0	5	0	0	0	35
Antigua and Barbuda	-	-	-	-	-	-	-
British Virgin Islands	-	-	-	-	-	-	-
Commonwealth of Dominica	56	32	40	0	0	0	128
Grenada	-	-	-	-	-	-	-
Montserrat	-	-	-	-	-	-	-
Saint Kitts and Nevis	119	53	73	68	0	2	315
Saint Lucia	118	0	3	11	3	0	135
Saint Vincent and the Grenadines	0	53	144	0	0	0	197
Total	323	138	265	79	3	2	810

Table 7 shows the volume of activities handled by the High Courts of the ECSC jurisdiction for the two judicial periods of 2003 and 2002.

A total of 9,429 events were handled by the High Courts of the ECSC for the 2002-2003 judicial period. This figure represents an increase of 18 % or 1431 events more than what occurred in the 2001-2002 period.

For the Member States that provided data, it is noticeable that chamber hearings accounted for the largest volume of events, an estimated total of 10,851. Chamber Hearings for both periods represent 62% of all events. Case Management Conferences accounted for the second largest volume, a total of 4,067 or 23% of total events for both periods.

The largest volume of judicial activities took place in the island of Saint Lucia for both reporting periods. Saint Lucia recorded an increase of 1,620 events in 2002-2003 judicial period over the last period of 2001-2002. Saint Vincent and the Grenadines also recorded relative large volume of activities in its high court and recorded the second largest volume of 3,029 events for both periods next to Saint Lucia. However, in 2002-2003 judicial period, Saint Vincent and the Grenadines recorded a decline of 179 events from the 2001-2002 period.

It is also noticeable that a significant amount of Case Management Conferences and Chamber Hearings were handled by the High Court of Saint Lucia particularly in 2003.

The activities of the Masters in Case Management Conferences in the ECSC jurisdiction has helped in the efficiency of the court's operation in especially the reduction in the numbers of adjournments and the increase in the disposition rate.

Table 7. Event Count Report by Country - 2003 and 2002

Judicial period 2002-2003										
Type of events	Anguilla	Antigua and Barbuda	British Virgin Islands	Commonwealth of Dominica	Grenada	Montserrat	Saint Kitts and Nevis	Saint Lucia	Saint Vincent and the Grenadines	Total
Status Hearing	-	0	-	26	-	0	0	0	0	26
Chamber Hearing	-	244	-	719	-	7	459	3123	799	5351
Motion Hearing	-	9	-	0	-	0	45	0	0	54
Case Management Conference	-	19	-	556	-	46	114	1305	626	2666
Pre- Trial Hearing	-	1	-	5	-	18	94	259	0	377
Trial	-	38	-	11	-	34	102	354	0	539
Other Events	-	0	-	0	-	6	105	305	0	416
Total		311		1317		111	919	5346	1425	9429
Judicial period 2001-2002										
Type of events	Anguilla	Antigua and Barbuda	British Virgin Islands	Commonwealth of Dominica	Grenada	Montserrat	Saint Kitts and Nevis	Saint Lucia	Saint Vincent and the Grenadines	Total
Status Hearing	50	0	-	0	-	0	0	0	0	50
Chamber Hearing	16	913	-	522	-	34	294	2732	989	5500
Motion Hearing	0	24	-	0	-	1	0	25	0	50
Case Management Conference	24	144	-	254	-	17	106	241	615	1401
Pre- Trial Review	13	0	-	0	-	9	60	235	0	317
Trial	0	0	-	8	-	0	93	442	0	543
Other Events	6	0	-	0	-	9	71	51	0	137
Total	109	1081		784		70	624	3726	1604	7998

Note: - means no data was provided or available

Other Events includes: Referral order, Application without notice, Uncontested divorce, First hearing, Committal order

The Magistracy

Table 8. gives an indication of the volume of cases filed in the Magistrates Courts of the ECSC.

No data was provided for Anguilla and Antigua and Barbuda. The data for the British Virgin Island, Saint Lucia and Saint Vincent and the Grenadines are incomplete.

As indicated in table 8, a total of 38,879 and 39,984 cases were filed in the ECSC Magistracy for the judicial periods ending July 31, 2003 and 2002 respectively. The cases filed in 2003 period decreased by 1,105 or 3% over the 2001-2002 period. The large volume of cases filed in the Magistracy is an indication of the workload that has to be handled by the Magistrates Courts of the islands.

From the data provided, it shows that the island of Saint Vincent and the Grenadines recorded the largest volume of filings accounting for 29% of total filings for 2003; while Saint Lucia recorded the largest volume of cases filed in 2002 that is 23 % of the total for all the islands. The Magistrates Courts of Grenada also handled a relative significant volume of cases, recording an average proportion of 23% of total filings over the two periods.

Of the cases filed in the Magistracy, criminal matters accounted for the largest volume. In 2003 criminal matters accounted for 36% of total matters filed in the Magistrates Courts in the judicial period ending 2003 and 36% for the period ending 2002. Civil and traffic matters also reflected large volumes of filings. In 2003 and 2002 traffic matters accounted for 37 % and 36% respectively of total matters filed, while civil matters accounted for 14% and 13% respectively.

Table 8. Magistrates Courts- Cases Filed by Major Case Type by Country

Judicial period 2002-2003										
Cases Filed	Anguilla	Antigua and Barbuda	British Virgin Islands	Commonwealth of Dominica	Grenada	Montserrat	Saint Kitts and Nevis	Saint Lucia	Saint Vincent and the Grenadines	Total
Criminal	-	-	-	3090	4418	118	1541	2829	3395	15391
Civil	-	-	-	1200	773	75	2347	262	694	5351
Traffic	-	-	-	1891	3412	136	448	1823	6685	14395
Family	-	-	-	-	21	-	-	-	-	21
Domestic	-	-	-	30	8	-	-	34	-	72
Juvenile	-	-	-	175	28	1	105	15	201	525
Affiliation	-	-	-	397	245	45	1491	69	479	2726
Inquest	-	-	-	67	-	-	-	2	-	69
Pre. Inquiry	-	-	-	-	-	-	29	300	-	329
Total	-	-	-	6850	8905	375	5961	5334	11454	38879
Judicial period 2001-2002										
Cases Filed	Anguilla	Antigua and Barbuda	British Virgin Islands	Commonwealth of Dominica	Grenada	Montserrat	Saint Kitts and Nevis	Saint Lucia	Saint Vincent and the Grenadines	Total
Criminal	-	-	874	2593	3926	189	908	2880	3108	14478
Civil	-	-	408	1118	704	50	2840	583	599	6302
Traffic	-	-	209	2495	4185	185	371	4893	2388	14726
Family	-	-	-	-	14	-	-	-	-	14
Domestic	-	-	27	-	4	-	-	151	-	182
Juvenile	-	-	4	122	15	3	97	38	546	825
Affiliation	-	-	121	384	200	16	1032	396	795	2944
Inquest	-	-	-	98	4	-	-	11	-	113
Pre. Inquiry	-	-	-	-	-	-	-	400	-	400
Total	-	-	1643	6810	9052	443	5248	9352	7436	39984

Data from the family courts of St. Lucia and St. Vincent are mostly reflected in Domestic, Juvenile and Affiliation matters

Note: - means no data provided or available

Table 9 shows the volume of matters disposed by the Magistrates Courts of the ECSC.

The data provided show that the Magistracy of the ECSC disposed a total of 26,512 and 34,838 cases for 2003 and 2002 respectively. This indicates that for 2003 the Magistrates Courts have incurred a backlog of 12,367 and 5,146 cases for 2003 and 2003 respectively.

Corresponding with filings, criminal matters accounted for the largest volume of matters disposed, that is 44% of total dispositions in 2003 and 37% in 2002. Traffic and civil matters accounted for 31% and 16 % of total dispositions for the two periods.

From the data available, it shows that Saint Lucia is making strides in reducing the backlog of cases in its Magistrates courts. The data shows that for 2002-2003 period, Saint Lucia had disposed 327 more cases than were filed for 2002-2003 and 106 more cases for 2001- 2002.

Data for the Magistrates Courts is presently compiled manually. However it is anticipated that for future reporting periods, the Magistracy will benefit from a computerized case management system. Currently, efforts are being made to introduce the Judicial Enforcement Management Systems (JEMS) to the Magistrates Courts.

Table 9. Magistrates Courts- Cases Disposed by Major Case Type by Country

Judicial period 2002-2003										
Cases Filed	Anguilla	Antigua and Barbuda	British Virgin Islands	Commonwealth of Dominica	Grenada	Montserrat	Saint Kitts and Nevis	Saint Lucia	Saint Vincent and the Grenadines	Total
Criminal	339	-	-	3110	4121	-	1298	2864	-	11732
Civil	183	-	-	1094	382	-	2451	315	-	4425
Traffic	345	-	-	-	3758	-	534	2049	-	6686
Family	74	-	-	-	5	-	-	-	-	79
Domestic	-	-	-	15	3	-	-	60	188	266
Juvenile	42	-	-	178	24	-	56	7	-	307
Affiliation	-	-	-	387	151	-	1369	53	647	2607
Inquest	-	-	-	70	-	-	-	5	-	75
Pre. Inquiry	-	-	-	-	-	-	15	320	-	335
Total	983	-	-	4854	8444	-	5723	5673	835	26512
Judicial period 2001-2002										
Cases Filed	Anguilla	Antigua and Barbuda	British Virgin Islands	Commonwealth of Dominica	Grenada	Montserrat	Saint Kitts and Nevis	Saint Lucia	Saint Vincent and the Grenadines	Total
Criminal	424	-	551	2119	3405	-	801	3415	2140	12855
Civil	183	-	179	915	489	-	2490	358	734	5348
Traffic	229	-	124	2330	2645	-	364	5292	1892	12876
Family	71	-	-	-	3	-	-	-	-	74
Domestic	-	-	2	-	1	-	-	136	501	640
Juvenile	-	-	2	106	11	-	69	37	-	225
Affiliation	-	-	118	282	171	-	954	210	1020	2755
Inquest	-	-	-	53	2	-	-	10	-	65
Pre. Inquiry	-	-	-	-	-	-	-	221	-	221
Total	907	-	976	5805	6727	-	4678	9679	6287	35059

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